

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MICHAEL ROBINSON,

Plaintiff,

v.

NAPHCARE, INC., ROBERT OTWELL,
B. ARTHUR, DIANE SHIRLEY, DONAL
CAMPBELL, and ALABAMA
DEPARTMENT OF CORRECTIONS,

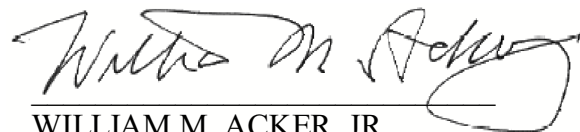
Defendants.

CIVIL ACTION NO. 03-AR-1472-S

MEMORANDUM OF OPINION

The court has considered the entire file in this action and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, Defendant Commissioner Donal Campbell's motion to dismiss is due to be granted premised on Eleventh Amendment immunity. The plaintiff does not assert that there has been any consent or waiver; thus, Defendant Commissioner Donal Campbell is due to be dismissed from this action. An appropriate order will be entered.

DONE, this 5th day of April, 2005.



WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE